UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,314	04/06/2000	Claude Basso	RAL9-00-0049	8223

			EXAMINER
25299	7590	08/12/2004	CAO, DIEM K

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/544,314	BASSO ET AL.
	Examiner	Art Unit
	Diem K Cao	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 June 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-13 remain in the application. Applicant has added claims 11-13.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-2, 5-6, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Narisi et al. (U.S. 6,233,619 B1).

4.   **As to claim 1**, Narisi teaches providing software enabled functions that open and close

inter process communication paths for transmitting and receiving of inter process communication

frames (MSS_OPEN_DIALOG, MSS_CLOSE_DIALOG; col. 31, lines 10-47 and

MSS_Create_Endpoint_Dialog, MSS_Open_Endpoint_Dialog, MSS_Close_Endpoint_Dialog;

col. 34, line 24 – col. 35, line 46), providing software enabled functions that allow the inter

process communication frames to be stacklessly transmitted to one of several processors in the

network processing environment (a VTL and MSS which allow the … bypass the conventional

ISO network protocol stack; col. 12, line 53 – col. 13, line 32), upon calling an open software

transmit/receive IPC path function, selecting by software either data or control path to transmit

or receive the inter process communication frames (control path, data path; col. 28, lines 1-11

and MSS_DATA, MSS_CONTROL_DATA; col. 32, lines 13-31 and MSS_Send_Control_Msg,

MSS_Deliver_Data; col. 36, lines 5-67 and MSS packet; col. 28, lines 15-40).

5.   However, Narisi does not explicitly teach the inter process communication frames

include guided frames. Narisi teaches the packets are used to transfer both control and user data

between MSS environments and MSS control information (col. 28, lines 15-40), the data in the

buffer is transferred as the packet (col. 26, lines 38-41), and MSS 92 places control information

to complete the operation needed by the MSS 96 in the buffer (col. 22, line 53 – col. 23, line 64).

6.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made the guided frames (packets) are implemented in the system of Narisi because the

guided frames contains information to complete a transaction.

7.   **As to claim 2**, Narisi teaches determining if an IPC path function is a send or receive

function, and if a receive function, calling a receive IPC function (Deliver_Data,

Deliver_Data_Complete, Accept_Data, Accept_Data_Complete, Data_Notification,

Retrieve_Data; col. 21, line 24 – col. 22, line 31).

8.   **As to computer system claim 5**, it corresponds to the method claim of claim 1.

9.   **As to claim 6**, see rejection of claim 2 above.

10.   **As to claims 9 and 10**, Narisi does not explicitly teach the inter process communication

frames include headers to exchange various frame formats. However, Narisi teaches the system

is used to transfer both control and data information between different heterogeneous

environments (abstract), header information of a frame is used to determine the network protocol

provider (col. 3, line 63 – col. 4, line 17), the MSS provides a level of abstraction which allows

the same interface to be used by multiple platforms (col. 18, lines 16-35), the Data Transfer

Header (col. 24, lines 11-28 and col. 29, lines 1-25) wherein the data is transformed from

emulated MCP layout to NT layout in the same operation as the data copy (col. 24, lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to include header to exchange various frame formats because the system already support

heterogeneous environment, and one embodiment showing the data is transformed from one type

to another.

11.   **As to claim 11**, Narisi does not explicitly teach the transmitting and receiving of the inter

process communication frames occur simultaneously. However, Narisi teaches each MSS

component includes means to allows local and remote users to exchange data independent of

which interconnect is being employed (col. 8, lines 27-36) and a plurality of dialogs are created

for a plurality of pairs of the first and the second applications (col. 9, lines 31-37). Therefore, one

application can exchange data to two or more applications at the same time. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to implementing

simultaneously transmission of data in the system of Narisi because the application can do

multiple tasks at the same time, i.e. receiving data from one application and transfer data to

another application synchronously. Examiner also noted that transmitting and receiving frames

occurs synchronously is popular in the network communication.

12.   **As to claim 12**, see rejection of claim 11 above.

13.   **As to claim 13**, Narisi teaches providing software enabled functions that open and close

inter process communication paths for transmitting and receiving of inter process communication

frames (MSS_OPEN_DIALOG, MSS_CLOSE_DIALOG; col. 31, lines 10-47 and

MSS_Create_Endpoint_Dialog, MSS_Open_Endpoint_Dialog, MSS_Close_Endpoint_Dialog;

col. 34, line 24 – col. 35, line 46), providing software enabled functions that allow the inter

process communication frames to be stacklessly transmitted to one of several processors in the

network processing environment (a VTL and MSS which allow the ... bypass the conventional

ISO network protocol stack; col. 12, line 53 – col. 13, line 32), upon calling an open software

transmit/receive IPC path function, selecting by software either data or control path to transmit

or receive the inter process communication frames (control path, data path; col. 28, lines 1-11

and MSS_DATA, MSS_CONTROL_DATA; col. 32, lines 13-31 and MSS_Send_Control_Msg,

MSS_Deliver_Data; col. 36, lines 5-67 and MSS packet; col. 28, lines 15-40).

14.   However, Narisi does not explicitly teach the transmitting and receiving of the inter

process communication frames occur simultaneously. Narisi teaches each MSS component

includes means to allows local and remote users to exchange data independent of which

interconnect is being employed (col. 8, lines 27-36) and a plurality of dialogs are created for a

plurality of pairs of the first and the second applications (col. 9, lines 31-37). Therefore, one

application can exchange data to two or more applications at the same time.

15.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to implementing simultaneously transmission of data in the system of Narisi because

the application can do multiple tasks at the same time, i.e. receiving data from one application

and transfer data to another application synchronously. Examiner also noted that transmitting and

receiving frames occurs synchronously is popular in the network communication.

16.   Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narisi

et al. (U.S. 6,233,619 B1) in view of Isfeld et al. (U.S. 5,802,278).

17.   **As to claim 3,** Narisi does not teach determining if an IPC frame to be sent is to be

unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then

calling a unicast transmit function. However, Narisi teaches a message can be send to one or

more applications (the system can be used to transfer data to and from multiple network protocol

providers on each system; col. 57, lines 24-35 and the same interface to be used by multiple

platforms; col. 18, lines 16-35). Isfeld teaches determining if an IPC frame to be sent is to be

unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then

calling a unicast transmit function (unicast, broadcast functions; col. 40, lines 1-67 and IP CEC

and IP DPMS; col. 43, line 50 – col. 45, line 32). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine the teaching of Narisi and Isfeld

because it provides a method for custom applications can be developed faster and more cost effectively (col. 2, lines 1-59).

18.   **As to claim 4**, Narisi teaches closing a software transmit/receive IPC path function (MSS_DATA, MSS_CONTROL_DATA; col. 32, lines 14-30 and MSS_Send_Control_Msg, MSS_Deliver_Data, MSS_Retrieve_Data_Msg, MSS_Receive_Message; col. 36, line 5 – col. 38, line 67).

19.   **As to claims 7-8**, see rejections of claims 3-4 above.

Response to Arguments

20.   Applicant's arguments filed 06/07/2004 have been fully considered but they are not persuasive.

21.   In the remarks, Applicant argued in substance that (1) Narisi does not disclose or suggest at least that "the inter process communication frames include guided frames", and (2) Narisi does not disclose exchanging frame formats.

22.   Examiner respectfully traversed Applicant's remarks:

As to point (1), Narisi teaches the control data is put into the buffer, and the data in the buffer is transfer as the packet (see rejection of claim 1 above). It is well known in the art that frame is a packet of transmitted information, therefore, it would be obvious the system of Narisi would implement the guided frames. Examiner also would like to pointed out that the

specification does not disclose what is the functionality of guided frame, and what type of

information is included in the frame, examiner could interprets broadly that header frame could

be guided frame also because it contains the data as where to send the message, and what type of

message is included, which is always included when transfer data between different systems.

Although Applicant provided in the remark that "guided frames provide for distinct functions

typically including highly efficient configuration updates among blades", it is not supported by

the specification, and it Applicant believes it is supported, please provide which passages in the

specification support it (page, line number).

As to point (2), Narisi teaches the heterogeneous environments are supported, and data is

transform from emulated MCP layout to NT layout in the same operation as the data copy (see

rejection of claim 9 above). It would have been obvious the system of Narisi could be

implemented to have frames include headers to exchange frame formats because the system of

Narisi already support the exchange frame format functionality.

Conclusion

23.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The

examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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